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Gustavo Siller, Jr. (32,305)

Name of applicant/assignee or
Registered Representative

Signature

Date of Signature

Our Case No. 9281-3898

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sakai et al.

Serial No. 09/748,530

Filing Date: December 22, 2000

Patent No.: 6,875,952

Issue Date: April 5, 2005

For: SUBSTRATE HAVING REPAIRED METALLIC
PATTERN AND METHOD AND DEVICE FOR
REPAIRING METALLIC PATTERN ON
SUBSTRATE

)
)
)
) Examiner: Colleen P.
) Cooke

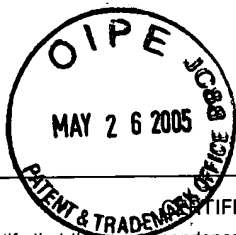
) Group Art Unit No.: 1754
)
)
)
)

**REQUEST FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An Issue Notification for the above identified application was mailed on March 16, 2005, with a published term adjustment under 35 U.S.C. § 154(b) of 312 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.



DAE

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8
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Date: May 23, 2005 Name: Gustavo Siller, Jr. (32,305) Signature:

**BRINKS
HOFFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Sakai et al.

Appln. No.: 09/748,530

Patent No.: 6,875,952

Filed: December 22, 2000

Issued: April 5, 2005

For: Substrate Having Repaired Metallic Pattern and Method and Device for Repairing Metallic Pattern on Substrate

Examiner: Colleen P. Cooke

Art Unit: 1754

Attorney Docket No: 9281/3898

Mail Stop Patent Ext.
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Request for Reconsideration of the Patent Term Adjustment; and Exhibits A and B
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | x 100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$180= | | | +\$360= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

5/23/05

Gustavo Siller, Jr. (Reg. No. 32,305)

REMARKS

Reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) is requested. An Issue Notification for U.S. Patent No. 6,875,952 with a term adjustment of 312 days was mailed on March 16, 2005, and a copy of the Notification is included herewith as Exhibit A. Correction of the patent term adjustment to subtract 121 days to the patent term as shown below is respectfully requested. There are no fee charges associated with this request to reduce the patent Term Adjustment. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. Patent No. 6,875,952 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Please note that the corresponding to be issued U.S. Patent is not subject to a terminal disclaimer.

Period of adjustment under 37 C.F.R. § 1.703

The period of adjustment under 37 C.F.R. § 1.703(a) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on December 22, 2000. The 14 month date specified in 37 C.F.R. § 1.703(a) is February 22, 2002. The first PTO action was the Notice of Allowance mailed March 13, 2002. The difference between the 14 month date and the date of mailing of the requirement for restriction is 19 days.

Period of adjustment under 37 C.F.R. § 1.703

The period of adjustment under 37 C.F.R. § 1.703(a) (6) is the number of days in the period beginning on the day ("the 4 month date") after that date that is four months after the date on which the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

In the present application, the issue fee was paid on January 15, 2004. The 4 month date specified in 37 C.F.R. § 1.703(a)(6) is May 15, 2004. The Patent was issued on April 5, 2005. The difference between the 4 month date and the date of issue of the Patent is 325 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

In the present application, a Final Rejection was mailed on July 31, 2002. The 3 month date for this communication is October 31, 2002. A Response to the Final Rejection was received by the December 2, 2002. In response, an Advisory Action was mailed on December 30, 2002 with a period for reply to expire within 4 months from the mailing of the Final Rejection, July 31, 2002. A Request for Continuation (RCE) was mailed via Express Mail on January 30, 2003. Thus, the reduction in period of adjustment, measured from the mailing of the Advisory Action to the filing date of the RCE, under 37 C.F.R. § 1.704(b) is 61 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be

reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

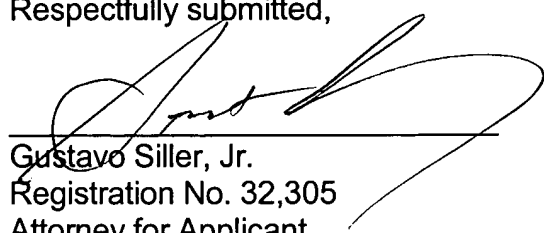
Subsequent to the filing of the RCE, a Final Rejection was mailed on February 21, 2003. The 3 month date for this communication is May 21, 2003. A Response to the Final Rejection was filed with a second RCE on August 21, 2003. Thus, the reduction in period of adjustment under 37 C.F.R. § 1.704 is 92 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 19 days + 325 – 61 days – 92 days = 191 days.

It is respectfully submitted that in the patent term adjustment determined for U.S. Patent No.: 6,875,952, the term was not adjusted to include the 153 (61 + 92) days for failure to respond within the statutory periods of the above-discussed Final Rejections. Accordingly, reconsideration of the patent term adjustment for U.S. Patent No.: 6,875,952 is respectfully requested. Applicant respectfully requests reconsideration of the patent term adjustment for this patent.

Respectfully submitted,



Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

EXHIBIT A

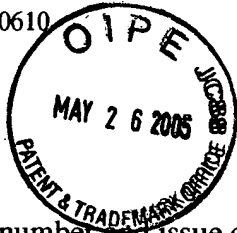


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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 09/748,530 | 04/05/2005 | 6875952 | 9281/3898 | 4153 |

757 7590 03/16/2005
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 312 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Osamu Sakai, Miyagi-ken, JAPAN;
Keiji Takagi, Fukushima-ken, JAPAN;

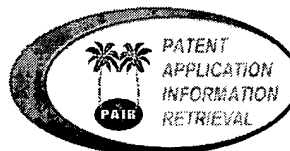
EXHIBIT B



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Patent Term Adjustment (PTA) for application number: 09/748,530

| | | | Days |
|------------------------------|------------|-----------------------------|------|
| Filing or 371(c) Date: | 12-22-2000 | USPTO Delay (PTO): | 344 |
| Issue Date of Patent: | 04-05-2005 | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL): | 32 |
| Post-Issue Petitions (days): | +0 | Total PTA: | 312 |
| USPTO Adjustment (days): | +0 | Explanation of Calculations | |

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Patent Term Adjustment History

| Date | Contents Description | PTO (days) | APPL (days) |
|------------|--|------------|-------------|
| 04-05-2005 | Patent Issue Date Used in PTA Calculation | 325 | |
| 02-09-2005 | Dispatch to FDC | ↑ | |
| 02-09-2005 | Application Is Considered Ready for Issue | ↑ | |
| 01-15-2004 | Issue Fee Payment Verified | ↑ | |
| 02-03-2005 | Receipt into Pubs | | |
| 01-10-2005 | Mail Miscellaneous Communication to Applicant | | |
| 12-28-2004 | Workflow - Query Request - Finish | | |
| 12-21-2004 | Miscellaneous Communication to Applicant - No Action Count | | |
| 12-15-2004 | Case Docketed to Examiner in GAU | | |
| 10-14-2004 | Mail Miscellaneous Communication to Applicant | | |
| 10-13-2004 | Miscellaneous Communication to Applicant - No Action Count | | |
| 01-15-2004 | Issue Fee Payment Received | | |
| 01-08-2004 | Workflow - Query Request - Begin | | |
| 12-10-2003 | Workflow - File Sent to Contractor | | |
| 10-22-2003 | Mail Notice of Allowance | | |
| 10-22-2003 | Mail Formal Drawings Required | | |
| 10-20-2003 | Formal Drawings Required | | |
| 10-20-2003 | Notice of Allowance Data Verification Completed | | |
| 10-20-2003 | Notice of Allowability | | |
| 09-30-2003 | Date Forwarded to Examiner | | |

| | | | |
|------------|---|----|----|
| 09-30-2003 | Date Forwarded to Examiner | | |
| 08-21-2003 | Request for Continued Examination (RCE) | | |
| 09-30-2003 | DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA) | | |
| 08-21-2003 | Request for Extension of Time - Granted | | |
| 08-21-2003 | Workflow - Request for RCE - Begin | | |
| 07-07-2003 | Case Docketed to Examiner in GAU | | |
| 02-21-2003 | Mail Final Rejection (PTOL - 326) | | |
| 02-20-2003 | Final Rejection | | |
| 01-30-2003 | Preliminary Amendment | | |
| 02-07-2003 | Date Forwarded to Examiner | | |
| 01-30-2003 | Request for Continued Examination (RCE) | | |
| 02-07-2003 | DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA) | | |
| 01-30-2003 | Request for Extension of Time - Granted | | |
| 01-30-2003 | Workflow - Request for RCE - Begin | | |
| 12-30-2002 | Mail Advisory Action (PTOL - 303) | | |
| 12-30-2002 | Advisory Action (PTOL-303) | | |
| 12-11-2002 | Date Forwarded to Examiner | | |
| 12-02-2002 | Amendment after Final Rejection | | 32 |
| 12-02-2002 | Request for Extension of Time - Granted | | ↑ |
| 07-31-2002 | Mail Final Rejection (PTOL - 326) | | ↑ |
| 07-29-2002 | Final Rejection | | |
| 05-17-2002 | Date Forwarded to Examiner | | |
| 05-13-2002 | Response after Non-Final Action | | |
| 03-13-2002 | Mail Non-Final Rejection | 19 | |
| 03-08-2002 | Non-Final Rejection | ↑ | |
| 12-22-2000 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 01-17-2002 | Preliminary Amendment | ↑ | |
| 01-17-2002 | Substitute Specification Filed | ↑ | |
| 12-22-2000 | Preliminary Amendment | ↑ | |
| 02-08-2002 | Case Docketed to Examiner in GAU | ↑ | |
| 06-12-2001 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 07-23-2001 | Case Docketed to Examiner in GAU | ↑ | |
| 04-12-2001 | Transfer Inquiry | ↑ | |
| 03-19-2001 | Application Dispatched from OIPE | ↑ | |
| 03-16-2001 | Correspondence Address Change | ↑ | |
| 02-16-2001 | Correspondence Address Change | ↑ | |
| 01-13-2001 | IFW Scan & PACR Auto Security Review | ↑ | |
| 12-22-2000 | Initial Exam Team nn | ↑ | |

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